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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/712,961 | 11/13/2003 | Luciano Salice | 298-210 | 9426 |

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EXAMINER

MAH, CHUCK Y

ART UNIT PAPER NUMBER

3677

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,961

Applicant(s)

SALICE, LUCIANO

Examiner

Chuck Mah

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-43 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 21-43 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 21-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 21, lines 7-8, it is not clear what is defined as “translational movement” of the damping member. None of the embodiments performs only one of the alternatives of “rotational” and “translational”. Further, the disclosure does not provide sufficient information to support whether the translational movement is a movement with respect to one section (2) or with respect to the other section (3). In claim 21, lines 9-11, “gear means mounted at least partially upon the other of said first and second hinge sections (3,2)” is confusing. It is not clear what is exactly being defined as the other section in the claim. The disclosure addresses that element 3 as one of the sections. However, section 3 is not in any way attached to the gear means. (20,22,27). Further, lines 12-14, it cannot be understood how the “gear members” are structurally and functionally related to achieve “to control rotation of said damping member.”

In claim 21, line 14, “said movable hinge section (3) relative to said at least one joint axis (7)” is confusing. From lines 4-5 of the claim it is understood that the

axis is interconnecting the first and second sections. Later at line 14 it is not clear how the movable section is able to move relative to the axis.

In claim 22, it is not clear what "keyed onto said damping member" is meant, structurally.

In claim 23, line 3, "a gear member" suggests an additional gear. For clarity "a gear member" should be --one of the gear members--.

In claim 24, line 7, "said other (27) of said gears" is confusing. There are two "others". It is not clear which of the others "said other" is referring to. Note that while permitted, reference numeral cannot be depended upon to define the claim. Similarly, line 8, "said toothed segment (21)" should be "said toothed segment (21) of said intermediately-mounted gear member". Note similar errors in claim 26.

In claim 40, line 1, "said member" should be --said engaging member--. Further, it is unclear what "said gear (20) contacting said damping member" is referred to.

In claim 26, line 3, "hinge section" should be --second hinge section--.

In claim 30, line 4, "said other" should be --one of said other--.

Claims 32-34 and 37-38 fail to further limit the subject matter of claim 21. Claim 21 is directed to the embodiment of figures 1-8. Claims 32-34 and 37-38 are directed to the embodiment of figures 9-11 where the gear members and the damping member are located on only one of the hinge sections. The disclosure does not show the embodiments as being useful together. Claim 32, including all limitation of claim 21, renders the invention inoperable.

In the present condition, it cannot be understood how the limitations of claims 32-34, 37 and 38 are structurally incorporated into the embodiment of claim 21 to render the hinge operable. The examiner is unable to consider these claims in view of prior art.

Claim 35 cannot be understood structurally since base claim 21 fails to clearly address a hinge section that "said damping device (16) and gear members (22,45) is affixed".

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 21, 22, 35, 36 and 43 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Grass (4,979,265). Grass has a movable hinge section (25), a second hinge section (9), a joint axis (16), one (31) of the gears (27, 4, 31) having a damping device (23), and gear (31) keyed onto spring (23) by pin (24). Gear member

(27) acts upon gear (31) to achieve "spring-loading" in the closed position (col. 2, lines 17-25 and col. 3, lines 65-68). Damping to the closing pressure (e.g. the reaction of spring against the closing force) of the hinge is required in order to load the spring during at least part of the closing movement.

Allowable Subject Matter

5. Claims 23-31, and 39-42 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed July 13, 2005 have been fully considered but they are not persuasive. See explanation stated in paragraph 4 of this office action. Grass simply meets the limitations as claimed.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

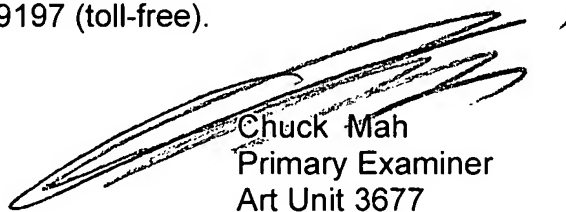
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Mah whose telephone number is (571)272-7059. The examiner can normally be reached on 5/4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on (571)272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chuck Mah
Primary Examiner
Art Unit 3677

CM